

Appl. No. 10/807,042
Amdt. dated March 20, 2006
Reply to Office Action of December 20, 2005

PATENT

REMARKS/ARGUMENTS

Claims 1, 3, 5, 7-17, and 20-26 remain pending in the application. Applicant respectfully requests reconsideration and allowance of all claims.

Discussion of Rejections Under 35 U.S.C. §103

Claims 1, 3, 5, 7-17, and 20-26 were rejected as allegedly unpatentable over U.S. Patent Application Publication No. 2004/0127214 to Reddy et al. (hereinafter Reddy) in view of U.S. Patent Application Publication No. 2002/0132636 to Stockhusen (hereinafter Stockhusen). Applicant respectfully traverses the rejection and requests reconsideration and allowance of all pending claims.

Reddy, published July 1, 2004, is a publication of a non-provisional application filed September 29, 2003, which claims the benefit under 35 U.S.C. §119(e) of Provisional Application 60/415,281 filed October 1, 2002 (hereinafter the '281 provisional). The 102(e) date of the Reddy reference "is its earliest effective U.S. filing date, taking into consideration any proper benefit claims to prior U.S. applications under 35 U.S.C. 119(e) or 120 *if the prior application(s) properly supports the subject matter used to make the rejection in compliance with 35 U.S.C. 112, first paragraph.*" MPEP, paragraph 706.02(f)(1)(B) (*emphasis added*).

Therefore, Reddy is entitled to the filing date of the '281 provisional only if the '281 provisional properly supports the subject matter used to make the rejection of Applicant's claims. Otherwise, Reddy is only entitled to the date of the non-provisional application, September 29, 2003.

The portions of Reddy used to reject Applicant's claims have no support in the '281 provisional. Figures 2 and 3 from Reddy do not appear in the '281 provisional. Additionally, the '281 provisional application fails to describe any transceiver controller, and fails to even discuss transceivers. The '281 provisional fails to discuss any transceiver coupled to memory. Therefore, the subject matter in Reddy used to make the rejection of Applicant's claims is only entitled to the filing date of the non-provisional application, September 29, 2003.

Applicant filed the present application on March 22, 2004 and claims the benefit under 35 U.S.C. §119(e) of Provisional Application No. 60/456,509 filed March 24, 2003. See

Appl. No. 10/807,042
Amdt. dated March 20, 2006
Reply to Office Action of December 20, 2005

PATENT

Preliminary Amendment, dated July 22, 2004. Because Applicant's effective filing date is earlier than the effective filing date of the Reddy reference, Reddy is not prior art under 35 U.S.C. §102(e). Reddy does not qualify as prior art under any other paragraph of Section 102. Therefore, Reddy is not prior art to Applicant's application and claims.

Reddy cannot be relied upon for a rejection of Applicant's claims, because Reddy is not prior art. The Examiner does not contend that Stockhusen teaches or suggests every claimed feature. Indeed, Stockhusen fails to teach or suggest every feature of Applicant's claims.

Applicant respectfully requests reconsideration and allowance of claims 1, 3, 5, 7-17, and 20-26, because the subject matter of Reddy relied upon for the rejection is not prior art. The Stockhusen reference alone does not teach or suggest every claimed feature. Therefore, Applicant respectfully requests reconsideration and allowance of claims 1, 3, 5, 7-17, and 20-26 because the prior art reference fails to teach or suggest every claimed feature.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



Raymond B. Hom
Reg. No. 44,773

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
Attachments
RBH:jo
60691316 v1